

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 26, 2006

Signature: 

(Arnold H. Krumholz)

Docket No.: ALBIHN W 3.3-456
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Andreas Rundqvist

Application No.: 10/511,670

Group Art Unit: 3651

Filed: October 18, 2004

Examiner: J. R. Bidwell

For: METHOD AND BLANK FOR
MANUFACTURING A BENT CURVE
ELEMENT, BENT CURVE ELEMENT,
CURVE UNIT COMPRISING A BENT
CURVE ELEMENT AND ALSO
CONVEYING TRACK COMPRISING SUCH
A CURVE UNIT

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated August 30, 2006, in which the claims were held to be subject to a restriction or election requirement, the following remarks are respectfully submitted.

REMARKS

In the official action of August 30, 2006, the Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

I. Claims 1-6, drawn to a method of manufacturing a bent metal curve; and

II. Claims 7-024, drawn to a curved metal conveyor track.

The Examiner's position is that the inventions listed as Inventions I and II are related as process of making and product made, and that these inventions are distinct because the product as claimed can be made by another materially different process such as molding. In response, as required, applicants hereby provisionally elect Invention II, corresponding to claims 7-24. The election is made with traverse. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

Firstly, no objection for lack of unity was made in the Preliminary International Examination in connection with essentially the same claims that were presented in the corresponding PCT application. In examining all of the pending claims, the prior examiner obviously determined that there was unity of invention in that at least one special technical feature was present in all of the claims. According to the M.P.E.P., "full faith and credit should be given to the search and action of a previous examiner unless there is clear error in the previous action. . . . In general, an examiner should not take an entirely new approach or attempt to reorient the point of view of the previous examiner. . . ." (M.P.E.P. § 706.04.) Thus, the Examiner should not at this point take an entirely new approach by issuing a restriction requirement, but should give full faith and credit to the prior examination, finding unity of invention.

Additionally, applicant respectfully submits that there is in fact unity of invention between the claims of Inventions I and II. There is clearly one common technical feature here, as the prior examiner obviously believed was the

case. In any event, the common technical feature appears to include the endless track including the support flange acting as a guide rail and a web from which the flange extends for torsional rigidity. The requirements for bending the end piece and the web correspond to the shaped end piece of claim 7, for example.

In view of the foregoing, applicant requests withdrawal of the restriction requirement.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: October 26, 2006

Respectfully submitted,

By 

Arnold H. Krumholz

Registration No.: 25,428

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant